

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: JULY 12, 2006**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: VAR-11030 - APPLICANT: ERIC MILLER - OWNER:  
CABALLOS DE ORO ESTATES, LLC**

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***THIS ITEM WAS HELD IN ABEYANCE FROM THE JUNE 21, 2006 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.***

**\*\* CONDITIONS \*\***

The Planning Commission (6-1/ds vote) and staff recommend APPROVAL, subject to:

**Planning and Development**

1. Approval of and conformance to the Conditions of Approval for Major Modification (MOD-11027), Rezoning (ZON-11031), Title 18 Waiver (WVR-12368), Vacation (VASC-12368) and Site Development Plan Review (SDR-11034) shall be required.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**\*\* STAFF REPORT \*\***

**APPLICATION REQUEST**

This is a request for a Variance to allow a maximum building height of 44 feet where 35 feet is the maximum height allowed, for a 30-unit attached single-family development on five acres located west of the intersection of Cheyenne Avenue and the Clark County 215 Beltway. Companion requests for a Major Modification (MOD-11027), a Rezoning (ZON-11031), a Title 18 Waiver (WVR-12368), a Vacation (VAC-12255) and a Site Development Plan Review (SDR-11034) have been submitted concurrently.

**EXECUTIVE SUMMARY**

The applicant intends to build 30 attached single-family townhome-style units developed with a common parking access area and common facilities such as an outdoor pool and a clubhouse, on a site within the Plan area that is currently designated as L (Low Density Residential). The applicant intends to develop this project on a site that is severely topographically constrained, and develop this project within the allowed density for this area; however, since only approximately half of the site is developable, the applicant is seeking relief from the Plan limit of two stories on the site, in order to produce workable units as part of an integrated project. The applicant also requires relief from maximum building height limits. The request is appropriate as the existing relief on the site provides a constraint to development if limited to single-detached forms.

**BACKGROUND INFORMATION**

***A) Related Actions***

- 02/16/00      The City Council approved a petition to annex property (A-0046-99) located on the northeast corner of Buckskin Avenue and Puli Drive, containing approximately 5.0 acres of land. The Planning Commission and staff had recommended approval on 11/04/99. The effective date was 02/25/00.
- 10/26/00      The Planning Commission recommended denial of a request for a Site Development Plan Review [Z-0094-00(1)] for a proposed 72,000 square-foot office development on 5.0 acres located on the northeast corner of the intersection of the Puli Road and Buckskin Avenue alignments. This application was subsequently withdrawn without prejudice before the City Council on 12/06/00. Staff had recommended denial.

- 12/06/00 The City Council approved a request for a Rezoning (Z-0094-00) from U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) on five acres located on the northeast corner of the intersection of Puli Road and Buckskin Avenue alignments, subject to a Resolution of Intent with a two-year time limit. The Planning Commission and staff had recommended approval on 10/26/00. This approval expired on 12/06/02.
- 01/27/05 The Planning Commission voted to abey several related requests to its regular meeting of 02/24/05, to give the applicant an opportunity to meet with adjacent property owners. These requests included a Major Modification (MOD-5781) of the Lone Mountain West Master Development Plan to change the land use designation from L (Low Density Residential) to MFM (Multi-Family Medium Residential), and to amend Tables #1, #2, #3 and #4 (Section 2.2) to reflect changes to the land use categories and number of residential units, a Rezoning (ZON-5785) to rezone the site to PD (Planned Development), a Variance (VAR-5786) to allow a 15-story building where a maximum height of three stories was permitted, a Variance (VAR-5792) to allow 168 parking spaces where 222 spaces are required, and a Site Development Plan Review (SDR-5781) to allow a 15-story, 125-unit condominium development on the subject site.
- 02/10/05 The Planning Commission voted to abey a related request (VAC-5793) to its regular meeting of 2/24/05, to be heard with companion items and to give the applicant an opportunity to address the issue of a horse trail on the site with staff.
- 02/24/05 The Planning Commission voted to abey MOD-5784, ZON-5785, VAR-5786, VAR-5792, VAC-5793 and SDR-5781 to its regular meeting of 4/28/05, to allow the applicant time to redesign the project.
- 04/28/05 The Planning Commission voted to table MOD-5784, ZON-5785, VAR-5786, VAR-5792, VAC-5793 and SDR-5781 to allow the applicant time to adjust this and companion applications in order to present a revised version of the project.
- 05/25/06 The Planning Commission recommended approval of companion items MOD-11027, ZON-11031, WVR-12368, VAC-12255 and SDR-11034 concurrently with this application.
- 05/25/06 The Planning Commission voted 6-1/ds to recommend APPROVAL (PC Agenda Item #18/gl).

***B) Pre-Application Meeting***

- 11/16/05 The project was analyzed to identify the necessary submissions and the applicant was advised of the submission requirements for the project and was also advised of pertinent issues as seen by staff at that time.

***C) Neighborhood Meetings***

02/02/05 A neighborhood meeting is not required for a Variance application; however, one was required for companion request Major Modification MOD-11027.

The applicant sponsored this meeting at the Clark County Rainbow Library, 3150 North Buffalo Drive, Las Vegas, Nevada, starting at 5:30 p.m. The meeting was attended by three members of the public, three members from the design team, and a city representative.

The developer's representative presented several design boards of the project in an informal manner for the public to review and ask questions. The members of the public asked questions and made the following comments:

a. Clarification of the project site was requested by one of the attendees.

Response: The applicant's architect reviewed the exact location of the project site which clarified the public's concern of a different site location.

b. Question as to the height of the proposed project.

Response: The developer's representative noted that the height of the residential buildings would be a maximum of 35 feet with a split level three story design.

No further questions were raised. General discussion of the overall project ensued between the developer and members of the public in an informal manner. No specific objections were raised, as the height of the proposed structures appeared to be acceptable at 35 feet as explained by the architect.

**DETAILS OF APPLICATION REQUEST**

***A) Site Area***

Gross Acres: 5.0

***B) Existing Land Use***

Subject Property: Undeveloped  
North: Undeveloped  
South: Undeveloped (park under design and development)  
East: Office Building  
West: Red Rock Canyon National Conservation Area

***C) Planned Land Use***

Subject Property: PCD (Planned Community Development)  
L (Low Density Residential) Lone Mountain West Special Land Use Designation

North: PCD (Planned Community Development)  
 L (Low Density Residential) Lone Mountain West Special Land Use Designation

South: PCD (Planned Community Development)  
 P (Parks, Schools, Recreation, Open Space) Lone Mountain West Special Land Use Designation

East: PCD (Planned Community Development)  
 VC (Village Commercial) Lone Mountain West Special Land Use Designation

West: (RC) Resource Conservation

**D) Existing Zoning**

Subject Property: U (Undeveloped) [PCD (Planned Community Development)]

North: U (Undeveloped) [PCD (Planned Community Development)]

South: C-V (Civic)

East: PD (Planned Development)  
 U (Undeveloped) [PCD (Planned Community Development)] under Resolution of Intent to PD (Planned Development)

West: Clark County

**E) General Plan Compliance**

This property is designated for PCD (Planned Community Development) land uses in the Centennial Hills Sector Plan of the General Plan. The site is included within the Lone Mountain West Master Development Plan area and is designated as L (Low Density Residential) special land use designation by that Plan.

<i><b>SPECIAL DISTRICTS/ZONES</b></i>	<b>Yes</b>	<b>No</b>
<b>Special Area Plan</b>	<b>X</b>	
Lone Mountain West Master Development Plan	<b>X</b>	
<b>Special Overlay District</b>		<b>X</b>
<b>Trails</b>	<b>X</b>	
<b>County/North Las Vegas/HOA Notification</b>		<b>X</b>
<b>Development Impact Notification Assessment</b>		<b>X</b>
<b>Project of Regional Significance</b>		<b>X</b>

**Lone Mountain West Master Development Plan**

The proposed development is not in compliance with the Lone Mountain Master Development Plan, due to the proposed height and the type of use, being an attached single-family product. The applicant is attempting to address these issues through this request and through companion Major Modification (MOD-11027).

**Trails**

Although not required pursuant to the city's Trails Elements, there is an existing equestrian trail that bisects the subject site along the base of the mountain. It is the intent of the applicant to preserve this informal trail along the northern edge of the proposed development.

## ANALYSIS

### *A) Zoning Code Compliance*

#### A1) Development Standards

Pursuant to the Lone Mountain West Master Development Plan and Title 19.08, the following Development Standards apply to the subject proposal:

Standards	Required	Requested	Compliance
Max. Building Height	2 Stories / 35 Feet	3 Stories/38 Feet	N

The Lone Mountain West Master Development Plan limits building height within the L (Low Density Residential) special land use designation to two stories. A companion request for a Major Modification to the Plan (MOD-11027) will address this issue by allowing three stories in height for attached single-family products in the L designation. Title 19.08 limits single-family dwelling building height to 35 feet. This requested Variance would allow this project to exceed the maximum single-family height by nine feet, for a total maximum building height of 44 feet. The subject deviation is 20%.

### *B) General Analysis and Discussion*

The request is for a Variance to allow 44-foot tall attached single-family units on a five-acre site within the Lone Mountain West Master Development Plan. It should be noted that this is a maximum situation on the downhill side of these units, in which these attached units are spread across a hillside. Many of these units have a maximum height significantly lower than this height, and in fact much of the development when viewed from the uphill side is two stories in height and less than 35 feet in height.

There are no adjacent or nearby residential developments in the Plan area that would be negatively affected by this excess height. The applicant has presented evidence of a unique or extraordinary circumstance to justify the request, in the form of a site with severe topographical constraints and limitations. As a result, the request can be supported and approval is recommended.

## FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

The request is appropriate as the existing relief on the site provides a constraint to development if limited to single-detached forms, as referenced in Title 19.18.070L above. Accordingly, it is concluded that the applicant’s hardship is real, and it is thereby within the realm of NRS Chapter 278 for granting of Variances. Approval is recommended.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 3

**ASSEMBLY DISTRICT** 4

**SENATE DISTRICT** 9

**NOTICES MAILED** 345 by City Clerk

**APPROVALS** 0

**PROTESTS** 8